

TO: Planning Commission
FROM: Ben Boike, Assistant Comm. Dev. Dir.
DATE: May 17, 2016
SUBJECT: Case #16-06



REQUEST

Venture Pass Partners, LLC is requesting the following applications for the redevelopment of 1675, 1701 and 1725 Robert St.:

- 1) Site Plan Review for the redevelopment of the property
- 2) Conditional Use Permit approval to allow a Drive-through Lane and Medical Use
- 3) Preliminary/Final Plat approval

Attachments:

Memos from the City Civil Engineer, Fire Marshal & the Environmental Comm.
Applications/Notice

Copies of submitted Architectural plans and the Preliminary/Final Plat*

**Submitted Civil plans are included with the Variance memo*



EXISTING LAND USES

The subject properties currently consist of two vacant bank buildings and a vacant drive-through restaurant. Adjacent properties to the north, east and south consist of

commercial/office uses. Adjacent properties to the west consist of multi-family housing.

ZONING

The subject properties and the adjacent properties to the north are zoned B3, General Business. Adjacent properties to the east and south are zoned B3, General Business and B4, Shopping Center. Adjacent properties to the west are zoned R4, Multiple Family.

SITE PLAN ANALYSIS

Proposal

The applicant is proposing to clear the subject properties and construct two new buildings: 1) a 2,854 sq. ft. drive-through restaurant (Cane's Chicken) to be located at the south end of the property and 2) a three tenant medical/retail building on the north end of the property consisting of a 12,000 sq. ft. plasma center (far north space) and 4,350 sq. ft. of restaurant/retail space.

Building Materials

Section 153.032(F)(1) of the Zoning Ordinance requires that exterior building materials be comprised of a minimum 60 percent primary materials (brick, stone, stucco, or glass). Secondary materials which includes decorative block, synthetic stucco, wood and metal, may only account for 40 percent of the façade.

Medical/Retail Building: The applicant is proposing a combination of brick (primary), glass (primary), synthetic stucco (secondary), metal (secondary), and precast concrete (not listed)(see submitted building elevations). Staff is recommending a condition of approval requiring that the elevations be revised to meet the building material requirements as outlined in Section 153.032(F).

Drive-through Restaurant: The applicant is proposing brick (primary), stucco (primary), glass (primary), and metal (secondary). The proposed building meets the requirements.

Window Coverage

Section 153.032(F)(3) requires 40 percent window coverage for all facades facing a street, parking lot, or open space.

Medical/Retail Building: The proposed building meets the 40 percent requirement.

Drive-through Restaurant: The proposed building does not meet the 40 percent requirement. Staff is recommending a condition of approval that the elevations for the proposed drive-through restaurant be revised to meet the window coverage requirement as outlined in Section 153.032(F)(3).

Visual Relief

Section 153.032(F)(4) requires that all exterior elevations adjacent to a street, parking lot or open space must not exceed 60 feet in length without visual relief of two or more of the following:

- (a) The facade is divided architecturally with different materials or textures;
- (b) There are horizontal offsets of at least two feet in depth;
- (c) There are vertical offsets in the roof line of at least two feet; and
- (d) The windows on the first floor are recessed horizontally at least one foot.

Medical/Retail Building: The proposed building does not meet the visual relief requirements. The building does meet requirement (a), but does not meet one of the other three requirements. The building does have a few horizontal offsets (requirement b), but there are sections of wall that exceed 60 feet without the offset. Staff is recommending a condition of approval that the elevations be revised to meet the visual relief requirements as outlined in Section 153.032(F)(4).

Drive-through Restaurant: The proposed building meets the visual relief requirements.

Rooftop Mechanicals

The proposed plans do not address whether or not rooftop mechanicals will be properly screened as required by the Zoning Ordinance. Staff recommends a condition of approval requiring that all rooftop mechanicals be screened per Section 153.032(F)(5).

Building Setbacks

The proposed building meets all setback requirements with the exception of the Front Yard Setback for the proposed drive-through restaurant (see site plan – C3.01).

The Zoning Ordinance requires a Front Yard Building Setback of 10-40 feet in the B3 District. The applicant is proposing a Front Yard Building Setback of 51 feet requiring a Variance of 11 feet. The applicant has applied for a Variance for the setback. Staff is recommending a condition of approval that approval of the Site Plan be contingent on approval of the corresponding Variance.

Parking Setbacks

The proposed parking lots meet all setback requirements with the exception of the Front Yard Parking Setback and the Rear Yard Parking Setback for the proposed drive-through restaurant (see C3.01).

1. Front Yard Parking Setback – the Zoning Ordinance does not allow parking in the Front Yard in the B3 District. The proposed plans call for a drive aisle between the proposed drive-through restaurant and the front property line which is needed to avoid a second curb cut to Robert St. The applicant has applied for Variance to allow the drive aisle. Staff is recommending a condition of approval that approval of the Site Plan be contingent on approval of the corresponding Variances.

2. Rear Yard Parking Setback – the Zoning Ordinance requires a minimum Rear Yard Parking Setback of 10 feet in the B3 District. The proposed Site Plan shows a 0 ft. rear yard parking setback for the proposed drive-through restaurant property (see utility plan or landscape plan as the site plan does not show the proposed property lines). Staff discussed the requirement with the applicant who has agreed to shift the proposed property line to the west 10 feet to provide the required setback. Staff is recommending a condition of approval requiring that the applicant shift the property line accordingly on the proposed plan. In addition, Staff is recommending a condition of approval to show the property lines on the site plan.

Access

The proposed plans reduce the number of access points to Robert St. from 4 curb cuts down to 2 curb cuts. Full access to the site from Robert St. will be provided at the lighted intersection of Robert St. and Lothenbach. In addition, a right-in/right-out is proposed at the north end of the site for additional access to and from Robert St. The proposed development also includes a connection to Livingston Ave to the west.

The applicant is also proposing an internal drive-way connection to the adjacent property to the north (Party City parking lot). The proposed site plan also allows for another internal driveway connection to the properties to the south in the area west of the proposed Drive-through restaurant (west of the proposed retaining wall). This connection would allow for the three properties to the south to access both Livingston and the light at Lothenbach. Staff is recommending a condition of approval requiring the applicant to provide an access easement in this area benefiting the three properties to the south should they be agreeable to improvements connecting the parking lots.

Internal Traffic Flow

The applicant is proposing one-way drive aisle connections to and from the Lothenbach/Robert St. intersection to the northern portion of the property. As vehicles enter the property from the light at Lothenbach and Robert St. (in front of the proposed drive-through restaurant on the south end of the property), they can either proceed straight ahead to access the drive-through restaurant or turn to the right (north) to access the medical/retail uses on the north end of the site via a one-way drive. The applicant is proposing a second one-way drive-aisle along the west and south sides of the proposed drive-through restaurant to provide connection back to the light at Robert St.

Staff is recommending a condition of approval requiring that one-way drive aisle connecting the drive-through restaurant parking lot and the parking lot to the north to 15 ft. in width. In addition, Staff is recommending a condition of approval that the applicant work with Staff in providing adequate internal signage as it relates to the one-way drive aisles.

Parking Lot Islands

The Zoning Ordinance requires landscaped islands at the end every twenty consecutive parking stalls. The proposed site plan includes three rows of parking that exceed twenty stalls in length. Staff is recommending a condition of approval that the civil plans be revised to include a landscaped island, at least 8 feet in width, in the three most western rows of parking in the north parking lot. Said islands shall be placed in the stalls that are currently shown as being split by the proposed property line to provide a buffer between lots. Said islands shall be irrigated and include one quality tree as detailed in Section 153.032 (E)(3) of the Zoning Ordinance.

Parking Requirements

The proposed site plan includes the following number of parking stalls per lot:

Lot 1 (Drive-through restaurant): 26 stalls are required, a total of 32 stalls are proposed.

Lot 2 (two-tenant retail portion of northern building): 22 stalls are required, a total of 84 stalls are proposed (24 adjacent to the building, 60 on the west side of the property which are to be utilized as employee and/or overflow parking for both the medical and retail buildings).

Lot 3 (medical building): 58 stalls are required, a total of 56 are proposed. Since Lot 3 does not contain enough parking on its own, Staff is recommending a condition of approval requiring a parking agreement be recorded for the retail lot benefiting the medical lot.

Access Easements:

Since the plan provides parking lot connectivity for all three lots, Staff is recommending a condition of approval requiring access easements on all three lots benefiting the other lots.

Drive Aisles/Parking Stall Dimensions

All proposed drive aisles and all parking stall dimensions meet minimum requirements.

Trash Enclosure

The applicant is proposing to include a trash enclosure located northwest of the proposed drive-through restaurant. Staff is recommending a condition of approval requiring that the proposed trash enclosure meet the requirements as outlined in Section 153.032 (F)(6). In addition, the applicant shall provide elevations of the proposed enclosure upon application of building permit.

Sidewalks

The applicant is proposing sidewalk connections to both buildings from Robert St. Staff is recommending a condition of approval to provide a sidewalk connection to both buildings from Livingston Ave.

Bike Racks

Staff is recommending a condition of approval requiring the applicant to revise the plans by including bike racks adjacent to the drive-through restaurant, the main doors for the medical building and in the sidewalk area near the front entries of the retail spaces.

Landscaping

The Zoning Ordinance requires a total of 89 trees on-site (1 tree per 20 lineal ft. of property). The applicant is proposing a total of 32 deciduous trees at 2.5 caliper inches, 11 coniferous trees at six feet in height, and 7 ornamental trees for a total of 50 trees (see second page of plans). With the exception of requiring two landscaped islands in the middle of the northernmost parking lot (which will include two more trees), Staff is comfortable with the proposed landscaping despite the reduction in required trees. Staff believes that the proposed plan distributes trees appropriately in areas where they can be located plus the applicant is proposing a total of 353 perennials, grasses and shrubs for the site.

Environmental Committee

The landscape plan was reviewed by the Environmental Committee at their May 4 meeting (see attached memo). The committee recommended a condition strongly encouraging the developer to use “pollinator friendly” plantings that were not grown with “neonicotinoids”.

Irrigation

The Zoning Code requires all landscaped areas to be irrigated. The proposed landscape plan states that an irrigation system will be installed (see L1.02).

Lighting

The applicant is proposing a variety of lighting for the property, including ten (10) twenty-foot tall single lamp LED light fixtures for the parking lots and three (3) wall mounted lights for the proposed drive-through restaurant and eight (8) wall mounted lights on the proposed medical/retail building.

The Zoning Ordinance requires that all lighting be at or near zero for all property lines. The proposed lighting plan indicates that lighting extends beyond the property lines however since the adjacent properties are all commercial in nature Staff is not concerned.

Staff is recommending a condition of approval to add wall mounted lighting to the east wall (Robert St. side) of the medical/retail building to provide additional security during the night hours.

Signage

The proposed plans show a total of three monument signs, two on the south lot (Drive-through Restaurant), no signs on the middle lot (two tenant retail), and one for the northern lot (medical). The Zoning Ordinance only allows one monument sign per property. As a result, Staff is recommending a condition of approval requiring

that the plans be revised to limit the number of monument signs to one sign per property. In addition, all signage must meet the provisions as outlined in Section 153.435 of the Zoning Ordinance.

Engineer's Recommendation

The City Engineer has provided a memo with twelve (12) recommended conditions pertaining to the Site Plan (see attached memo). Staff is recommending a condition of approval that the applicant adhere to the recommendations in the memo. The conditions are as follows:

1. Permits from the appropriate regulatory agencies must be obtained, including but not limited to the MPCA, Dakota County, MnDOT, etc.
2. Parkland dedication shall be paid upon application of a building permit. Fee shall be in accordance to City Ordinance, Section 1022.11.
3. Provide documentation for proposed private easements.
4. Add 10' drainage and utility easement where proposed plat abuts the public right-of-way. Add 5' drainage and utility easement around interior property lines.
5. Provide a traffic study showing the functionality and operability of the Lothenbach & Robert St. intersection with the proposed commercial land uses.
6. On all plan view sheets, update geometric and utility (drainage) files to show proposed Robert St. Improvement Project. (electronic files to be provided by WSP Engineering Dept.).
7. Provide detailed plans and specifications for retaining walls over 4 feet in height signed by a Minnesota Professional Structural Engineer.
8. On sheet C5.01 and C5.02, move inlet protection symbols to the location of the proposed catch basins along Robert St.
9. On sheets C5.03 and C7.01;
 - a. Replace generic standard detail plates with WSP city plates (electronic files to be provided by WSP Engineering Dept.).
 - b. Add any applicable Mn/DOT or Saint Paul Regional Water Services (SPRWS) standard details.
10. On sheet C6.01;
 - a. Change storm sewer pipe material to Reinforced Concrete Pipe (RCP CL V) in any areas beneath a roadway or paved surface. For areas outside roadway, the City will allow HDPE pipe. Minimum pipe size is 12".
 - b. Cleanouts are required every 100' on sanitary sewer lines. Show these cleanouts on the plans.
 - c. Include language referring to City Standards for design standards and specifications.
11. On sheet L1.01, update plan view to include the landscaping portion of the Robert St. Improvement Project (electronic files to be provided by WSP Engineering Dept.).

12. Address any and all issues set forth by Mn/DOT review dated May 11, 2016 titled Robert St. Riley Addition Mn/DOT Review #P16-017.

Fire Marshal Recommendation

The Fire Marshal has provided a memo with two (2) recommended conditions pertaining to the site plan (see attached memo). Staff is recommending a condition of approval that the applicant adhere to the recommendations in the memo. The conditions are as follows:

1. A 50' outside turning radius is required for all access roads. MSFC 503.2.4.
2. The grade of the access road shall be less than 8%. MSFC 503.2.7.

MnDOT Recommendation

Since the subject property abuts Robert St., which is a State Road, MnDOT reviewed the proposed Site Plan and provided the attached letter dated May 11, 2016. MnDOT is requesting more information regarding the proposed right-of-way shown on the plat and is requiring a drainage and access permits. They are also concerned about traffic circulation within the site, specifically the drive-through operation consistent with the comments/recommendations from the Civil Engineer. Staff is recommending a condition of approval requiring that the applicant adhere to the requests of MnDOT.

CONDITIONAL USE PERMIT ANALYSIS

Zoning Code

The Zoning Code requires a Conditional Use Permits for all Medical Clinics, Drive-through Lanes and Outdoor Seating areas.

Analysis

Medical Clinic – The applicant is proposing to locate a 12,000 medical use (plasma center) at the north end of the property. The proposed Use is currently in operation at 1857 Robert St. in the Southview Square shopping center (Talecris).

The current operation has 25 employees. This location will allow them to expand up to 45 employees. Proposed hours of operation will remain the same which are 8:00am-6:00pm Tues-Thursday, 8:00am-4:00pm Monday, Friday, and Saturday and closed on Sunday.

Staff is unaware of any issues with the existing operation.

Drive-through Lane – The applicant is proposing a Drive-through Lane for the proposed 2,854 sq. ft. restaurant. The proposed drive-through lane meets the requirements outlined in Section 153.156(D) of the Zoning Ordinance.

Outdoor Seating – The applicant is proposing an outdoor seating area for the 2,800 sq. ft. “retail” space in the northern building. Details regarding the patio area are dependent upon the tenant and therefore are unknown at this time. Staff is

recommending a condition of approval requiring that the outdoor seating area meet the provisions as outlined in Section 153.156 (G).

PRELIMINARY/FINAL PLAT ANALYSIS

Plat Summary

The existing site contains three parcels, two of which are currently unplatted (1675 and 1725 Robert) and one that is platted (1701 Robert). The applicant is proposing to plat the three parcels into three new parcels. In doing so, the property lines are shifting to accommodate the three different uses on the site.

Engineer's Recommendation

Staff is recommending a condition of approval that the plat be subject to the recommendations provided by the City Civil Engineer.

MnDOT Recommendation

Staff is recommending a condition of approval that the plat be subject to the recommendations provided by MnDOT.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the SITE PLAN subject to the following conditions:

1. Council approval of the corresponding Variance, Conditional Use Permit, and Plat applications.
2. The applicant shall apply for all applicable building and sign permits. All new signage must meet requirements of Section 37 of the Zoning Ordinance.
3. The elevations for medical/retail building shall be revised to meet the building material requirements as outlined in Section 153.032(F)(1) and the visual relief requirements as outlined in Section 153.032(F)(4).
4. The elevations for the proposed drive-through restaurant shall be revised to meet the window coverage requirement as outlined in Section 153.032(F)(3).
5. All rooftop mechanical protrusions shall be properly screened as outlined in Section 153.032(F)(5), as determined by the City Planner.
6. The applicant shall revise the civil plans as follows:
 - a. Show the proposed property lines on the site plan.
 - b. Shift the western property line of the drive-through restaurant to the west 10 feet to meet the rear yard parking setback.
 - c. Narrow the proposed one-way drive aisle connecting the drive-through restaurant parking lot and the parking lot to the north to 15 ft. in width.
 - d. Provide adequate signage as it relates to the one-way drive aisles.
 - e. Include landscaped islands, at least 8 feet in width, in the three most western rows of parking in the north parking lot. Said islands shall be

placed in the stalls that are currently shown as being split by the proposed property line to provide a buffer between the two lots. Said islands shall be irrigated and include at least one quality tree as detailed in Section 153.032 (E)(3) of the Zoning Ordinance.

7. The applicant shall provide an access easement benefiting the three properties to the south should they be agreeable to construction of improvements in order connect the three parking lots located south of the development under review to the east/west drive aisle that connects to Livingston Ave. In addition, the applicant shall also provide access easements for the three properties within the subject development providing access through each lot.
8. The proposed trash enclosure shall meet the requirements as outlined in Section 153.032 (F)(6). In addition, the applicant shall provide elevations of the proposed enclosure upon application of building permit.
9. The applicant shall provide a sidewalk connection to both buildings from Livingston Ave. In addition, the applicant shall also revise the plans to include bike racks at the main doors of each building as approved by Staff.
10. The applicant shall revise the lighting plan to include wall lighting on the east façade of the medical/retail building consistent to what is proposed on the west façade as approved by Staff.
11. The applicant shall revise the site plan to only include one monument sign per property.
12. The applicant shall adhere the recommendations outlined in the attached memos provided by the City Civil Engineer, the Fire Marshal, the Environmental Committee and MnDOT.

Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow a MEDICAL CLINIC subject to the following conditions:

1. Council approval of the corresponding Variance, Site Plan, and Plat applications.

Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow a DRIVE-THROUGH LANE subject to the following conditions:

2. Council approval of the corresponding Variance, Site Plan, and Plat applications.
3. The Drive-through lane must adhere to the requirements outlined in 153.156(D) of the Zoning Ordinance.

Staff recommends APPROVAL of the CONDITIONAL USE PERMIT to allow OUTDOOR SEATING subject to the following conditions:

1. Council approval of the corresponding Site Plan and Plat applications.

2. The outdoor seating area must meet the provisions as outlined in Section 153.156(G).

Staff recommends APPROVAL of the PRELIMINARY/FINAL PLAT subject to the following conditions:

1. Council approval of the corresponding Variance, Site Plan, and Conditional Use Permit applications.
2. The plat shall be recorded at the County Recorder Office prior to application of a building permit.
3. Provide documentation for proposed private easements as required per the Site Plan approval.
4. The Plat shall adhere to the recommendations as outlined by the City Engineer and MnDOT per their submitted memos.